

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ISO-00 SCS-03 SCA-01 CIAE-00 INR-10

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R 061345Z JUN 74

FM AMEMBASSY SOFIA

TO SECSTATE WASHDC 8106

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E.O./411652: N/A

TAGS: CPRS (L/S), BU

SUBJECT: PROPERTY CLAIMS OF ILIA AND DOBRINKA KOLEV

REF: STATE 101017

1. APPRECIATE REF. INFORMAL QUERY BASED THEREON PRODUCED MFA NOTE OF MAY 21, 1974 IN BELATED RESPONSE TO EMBASSY'S NOTES OF APRIL 13, 1972. MFA RESPONSE STATES ONLY THAT CONFISCATION WAS PART OF PENALTY IMPOSED ON BOTH INDIVIDUALS FOR THEIR FAILURE TO RETURN TO BULGARIA FOLLOWING EXPIRATION AUTHORIZED STAY ABROAD PERIOD. NO REFERENCE WAS MADE TO 1923 NATURALIZATION TREATY. IN ACCEPTING NOTE FROM MFA OFFICER CONCERNED (KUMANOV), EMBOFF OBSERVED IT WAS NOT RESPONSIVE TO EMBASSY'S 1972 NOTES WHICH HAD CITED 1923 TREATY. KUMANOV RESPONDED GOB DOES NOT CONSIDER 1923 TREATY APPLICABLE IN CASES, SUCH AS KOLEVS, INVOLVING CRIMINAL BETRAYAL OF COUNTRY.

2. KUMANOV SUGGESTED THAT CASES MIGHT BE APPEALED THROUGH LEGAL PROCESS. UNCERTAIN WHETHER THIS SHOULD BE SEEN AS EFFORT TO FURTHER PROLONG CASE OR AS SIGNAL THAT SOME HOPE FOR SOLUTION EXISTS. WE HAD ASKED EMBASSY'S LEGAL CONSULTANT (KAZANDZHIEV) TO RE-EXAMINE FACTS AND OFFER OPINION WHETHER APPEAL SEEMS WARRANTED. AFTER RESEARCH, KAZANDZHIEV HAS STATED

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PERTINENT STATUTES AND 1923 TREATY PROVIDE BASIS FOR

GOOD CWNE#TO SET ASIDE 1968 AND 1970 DECREES WHEREBY ILIA AND DOBRINKA KOLEV WERE DEPRIVED OF BULGARIAN CITIZENSHIP AND TWO APARTMENTS. ACCORDING TO KAZANDZHIEV, NECESSARY STEPS CAN BE TAKEN BY LEGAL REPRESENTATIVE.

3. SINCE FILE SHOWS SOFIA RESIDENT, MR. ATANAS BOZDUGANOV HAD BEEN APPOINTED BY KOLEVS AS THEIR REPRESENTATIVE, EMBASSY CONTACTED THIS PERSON TO DETERMINE THE CURRENT VALIDITY OF HIS POWER OF ATTORNEY AND HIS WILLINGNESS TO PURSUE CASE ALONG LINES RECOMMENDED BY KAZANDZHIEV. BOZDUGANOV INDICATED HE PREFERRED NOT TO VISIT EMBASSY TO DISCUSS CASE BUT WOULD DO SO WITH KAZANDZHIEV.

4. ON JUNE 4, KAZANDZHIEV REPORTED HE HAD MET ON THAT DAY WITH BOZDUGANOV WHO IS RETIRED ATTORNEY AND JUDGE. ACCORDING TO KAZANDZHIEV, BOZDUGANOV'S POWER OF ATTORNEY IS ADEQUATE TO PURSUE CASE AND BOZDUGANOV WILL DO SO AS SOON AS HE RECEIVES RESPONSE TO LETTER ON SUBJECT HE WAS TO HAVE MAILED TO KOLEVS ON OR ABOUT JUNE 4. KAZANDZHIEV COULD NOT EXPLAIN WHY BOZDUGANOV HAD NOT EARLIER PURSUED CASE ALONG LINES CURRENTLY ANTICIPATED.

5. FURTHER ACTION SEEMS TO REST WITH KOLEVS AND BOZDUGANOV; HOWEVER, EMBASSY WILL CONTINUE TO MONITOR CASE THROUGH KAZANDZHIEV.
HERZ

NOTE BY OC/T: #AS RECEIVED

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